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Bombay Act No. XXIII of 1945

The Bombay Boggars Act, 1945

(As modified up to the 1st December 1952)

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THE BOMBAY BEGGARS ACT, 1945.

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*BOMBAY ACT No. XXIII OF 1945.[1]

[THE BOMBAY BEGGARS ACT, 1945.]

[*20th February 1946*]

Amended by Bom. 53 of 1947.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 21 of 1952.

An Act to provide for the prevention of begging, for the detention, training and employment of beggars and their dependents in Certified Institutions, and for the custody, trial and punishment of beggar offenders in the Province of Bombay.

WHEREAS it is expedient to make provision for the prevention of begging, for the detention, training and employment of beggars and their dependents in Certified Institutions, and for the custody, trial and punishment of beggar offenders in the Province of Bombay;

26 Geo. 5 ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Beggars Act, 1945.

(*2*) It extends to the whole of the [2][State] of Bombay but shall come into force in any area thereof only on such date as the [3][State] Government may by notification in the *Official Gazette* appoint in this behalf for that area.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "begging" means—

(*a*) soliciting or receiving, alms in a public place, whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or selling articles;

(*b*) entering on any private premises for the purpose of soliciting or receiving alms;

(*c*) exposing or exhibiting with the object of obtaining or extorting alms any sore, wound, injury, deformity or disease [4][whether of a human being or an animal];

(*d*) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms;

(*e*) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms; but does not include—

(*i*) soliciting or receiving alms in or about a temple, mosque or other place of public worship, or

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* This Act was repealed and re-enacted by Bom. 53 of 1947 s. 2.
[1] For the Statement, *see Bombay Government Gazette*, 1945, Pt. V, page 43.
[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid.*
[4] These words were added by Bom. 53 of 1947, s. 2 (*1*) (*a*).

(*ii*) soliciting or receiving money or food or gifts for a purpose authorized by any law or authorized in the prescribed manner by the Commissioner of Police in the [1][Greater Bombay] or the District Magistrate elsewhere or by the [2][State] Government :

Provided that on the application of the trustee of any temple, mosque or other place of public worship the [2][State] Government may direct by notification or in the manner prescribed that "begging" shall include soliciting or receiving alms in or about such temple, mosque or other place of public worship ;

(*ii*) "Certified Institution" means any institution which the [2][State] Government provides and maintains for the detention, training and employment of beggars and their dependents and includes an institution certified as such under sub-section (*1*) of section 11 ;

(*iii*) "Chief Inspector" means the Chief Inspector of Certified Institutions appointed under sub-section (*1*) of section 15 ;

(*iv*) "child" has the meaning assigned to it in the [3]Bombay Children Act, 1924 ; Bom. XIII of 1924.

[4][(*iv-a*) "Court" means the court of a salaried Presidency Magistrate in Greater Bombay and that of a Magistrate of the First Class elsewhere ;]

(*v*) "Juvenile Court" has the meaning assigned to it under the [3]Bombay Children Act, 1924 ; Bom. XIII of 1924.

(*vi*) [5]* * * * * *

(*vii*) "prescribed" means prescribed by rules made under this Act ;

(*viii*) "public place" includes a railway train ;

(*ix*) "Receiving Centre" means an institution for the reception and temporary detention of beggars provided by the [2][State] Government or certified as such under sub-section (*1*) of section 10 ;

(*x*) "trustee" means a person by whatever description known in whom the administration of a temple, mosque or other place of public worship is vested by any law for the time being in force or the terms of the instrument of trust or the terms of a decree or order of a competent court, relating to such temple, mosque or other place, or if there is no such person, any person who has administered the temple, mosque or other place for the period of one year immediately prior to the date of the application referred to in the proviso to sub-clause (*e*) (*ii*) of clause (*i*) of this section, and who is liable as if he were a trustee, and if there are more than one such trustee, the majority of the trustees.

CHAPTER II.

PROCEDURE FOR DEALING WITH BEGGARS AND BEGGAR OFFENDERS.

Powers of Courts.

3. The powers conferred on courts by this Act shall be exercised only by the High Court, a court of session, a salaried Presidency Magistrate, a Magistrate of the first class or a Juvenile Court and may be exercised by such Courts whether the case comes before them originally or on appeal or revision.

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[1] These words were substituted for the words "City of Bombay" by Bom. 53 of 1947, s. 2 (*1*) (*b*).
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] See now the Bombay Children Act, 1948 (Bom. 71 of 1948).
[4] This clause was inserted by Bom. 53 of 1947, s. 2 (*1*) (*c*).
[5] This clause was deleted, *ibid.*, s. 2 (*1*) (*d*).

Power to require person found begging to appear before court.

4. (*1*) Any police officer or other person authorized in this behalf in accordance with rules made by the [1][State] Government may arrest without a warrant any person who is found begging:

Provided that no person entering on any private premises for the purpose of soliciting or receiving alms shall be so arrested or shall be liable to any proceedings under this Act except upon a complaint of the [2]* * occupier of the premises.

(*2*) Such police officer or other person shall take or send the person so arrested to a court.

V of 1898. Bom. IV of 1902.

(*3*) The provisions of section 61 of the Code of Criminal Procedure, 1898, or section 87 of the City of Bombay Police Act, 1902, as the case may be, shall apply to every arrest under this section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a court.

Summary inquiry in respect of persons found begging and their detention.

5. (*1*) Where a person who is brought before the court under section 4 is not proved to have previously been detained in a Certified Institution under this Act, the court shall make a summary inquiry in the prescribed manner as regards the allegation that he was found begging.

(*2*) If the inquiry referred to in sub-section (*1*) cannot be completed forthwith, the court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.

(*3*) If on making the inquiry referred to in sub-section (*1*), the court is not satisfied that the person was found begging it shall order that such person be released forthwith.

(*4*) If on making the inquiry referred to in sub-section (*1*) the court is satisfied that such person was found begging it shall record a declaration that the person is a beggar. [3] * * * *

(*5*) The court shall order the person declared as beggar under sub-section (*4*) to be detained in a Certified Institution for a period of not less than one and not more than three years:

Provided that if the court is satisfied from the circumstances of the case that the person declared as beggar under sub-section (*4*) is not likely to beg again it may release the beggar after due admonition on a bond for the beggar's abstaining from begging and being of good behaviour being executed with or without sureties as the court may require by the beggar or any other person whom the court considers suitable.

(*6*) A copy of the order made under sub-section (*5*) shall forthwith be sent to the Chief Inspector.

(*7*) Notwithstanding anything in this section when the person declared as beggar under sub-section (*4*) is a child not below the age of five years the court shall forward it to a Juvenile Court and shall not make any order under sub-section (*5*). The Juvenile Court shall deal with it under section 7 of the [4]Bombay Children Act, 1924, as if the child was as described in clause (*a*) of sub-section (*1*) of that section. For the purpose of this sub-section, the court may if necessary cause the beggar to be examined by a medical officer.

Bom. XIII of 1924.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] The words "owner or" were deleted by Bom. 53 of 1947, s. 2 (*2*).
[3] The words and figures beginning with the words "The Court shall also" and ending with the words "hereinafter provided" were deleted by Bom. 21 of 1952, s. 2.
[4] *See* now the Bombay Children Act, 1948 (Bom. 71 of 1948).

Penalty for begging after detention as beggar.

6. (*1*) Whoever having been previously detained in a Certified Institution under this Act is found begging shall on conviction be punished as hereinafter in this section provided.

(*2*) When a person is convicted for the first time under sub-section (*1*) the court shall order him to be detained in a Certified Institution for not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period.

(*3*) When a person is convicted for the second or subsequent time under sub-section (*1*) the court shall order him to be detained for ten years in a Certified Institution and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

Contribution of parents.

[1][**6A.** (*1*) The Court, which makes an order for the detention of any person (hereinafter called the said person) in a Certified Institution under section 5 or 6, may make an order on the parent or other person liable to maintain the said person to contribute to his maintenance, if able to do so, in the prescribed manner.

(*2*) The Court before making any order under sub-section (*1*) shall inquire into the circumstances of the parent or other person liable to maintain the said person and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(*3*) Any order made under this section may be varied by the Court on an application made to it by the party liable or otherwise.

(*4*) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.] V of 1898.

Court may order detention of persons wholly dependent on beggar.

7. (*1*) When the court has ordered the detention of a person in a Certified Institution under section 5 or 6 it may after making such inquiry as it thinks fit order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period :

Provided that before such order is made such dependent person shall be given an opportunity of showing cause why it should not be made.

(*2*) Where the dependent person is a child the court shall forward it to a Juvenile Court which shall deal with it under section 7 of the [2]Bombay Children Act, 1924, as if the child was as described in clause (*a*) of sub-section (*1*) of that section : Bom. XIII of 1924.

Provided that where the dependent person is the beggar's own child below the age of five years and the beggar is an able-bodied mother not being a contagious leper or a lunatic the child may be ordered to be detained in a Certified Institution without being separated from the mother as regards the place of detention, until it attains the age of five years and thereafter dealt with as provided in this sub-section.

(*3*) For the purpose of this section, the court may if necessary cause the dependent person to be arrested and brought before itself and examined by a medical

[1] Section 6A was inserted by Bom. 21 of 1952, s. 3.
[2] See now the Bombay Children Act, 1948 (Bom. 71 of 1948).

V of 1898. Bom. IV of 1902.

officer. The provisions of section 61 of the Code of Criminal Procedure, 1898, or section 87 of the City of Bombay Police Act, 1902, as the case may be, shall apply to every arrest under this sub-section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a Court.

Power of Government to order further detention of incurably helpless beggars.

8. When any person who is detained in a Certified Institution under section 5, 6 or 7 is, whether on an application made by him to the [1][State] Government or otherwise, considered by the [1][State] Government to be blind, cripple, or otherwise incurably helpless, the [1][State] Government may order that he shall, after the expiry of the period of his detention be further detained indefinitely in a Certified Institution :

Provided that the [1][State] Government may release any such inmate if any person whom the [1][State] Government considers suitable executes a bond, with or without sureties as the [1][State] Government may require making himself responsible for the housing and maintenance of such inmate and for preventing him from begging or being used for the purpose of begging.

Penalty for employing or causing persons to beg or using them for purposes of begging.

9. Whoever employs or causes any person to solicit or receive alms, or whoever having the custody, charge or care of a child connives at or encourages the employment or the causing of a child to solicit or receive alms, and whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punishable with imprisonment for a term which may extend to one year and thereafter with detention in a Certified Institution for a period of not less than one year and not more than three years or with imprisonment for a further term which may extend to one year in lieu of such detention.

CHAPTER III.

Receiving Centres and Certified Institutions.

Provision of Receiving Centres.

10. (*1*) The [1][State] Government may provide and maintain one or more Receiving Centres at such place or places as it thinks fit or may certify any institution to be a Receiving Centre for the purposes of this Act.

(*2*) Every such Receiving Centre shall be under the control of an officer-in-charge.

Provision of Certified Institutions.

11. (*1*) The [1][State] Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit or may certify any institution to be a Certified Institution for the purposes of this Act. Any such Certified Institution may include provision for the teaching of agricultural, industrial and other pursuits and for the general education and medical care of the inmates.

(*2*) Every such certified Institution shall be under the charge of a Superintendent.

Visiting Committees.

12. For every Receiving Centre and every Certified Institution the [1][State] Government shall appoint a visiting committee in such manner as may be prescribed.

Advisory Committees.

13. (*1*) The [1][State] Government may constitute for any area in which this Act has come into force under sub-section (*2*) of section 1 an Advisory Committee consisting of such persons not exceeding twenty in number as it may appoint :

Provided that where a local authority has agreed to render such financial assistance as the [1][State] Government may consider proper in each case for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

of the local authority are detained, the [1][State] Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

(*2*) The Advisory Committee constituted under sub-section (*1*) in any local area or any member thereof may visit at all reasonable times and after due notice to the Superintendent any Certified Institution in which beggars from that area are detained.

(*3*) The Advisory Committee may also—

(*i*) tender advice as regards management to any Certified Institutions through the Chief Inspector or such other officer as the [1][State] Government may specify ;

(*ii*) collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or in which beggars from that area are detained ; and disburse the collections in the prescribed manner ;

(*iii*) advise the [1][State] Government through the Chief Inspector as regards the certification of any Institution as a Certified Institution or the de-certification of any Certified Institution within the local area ;

(*iv*) advise the [1][State] Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the [1][State] Government.

Payment of contribution by local authorities and recovery thereof.

14. (*1*) Notwithstanding anything contained in any law for the time being in force, any local authority which has agreed to pay a certain sum of money for the maintenance of a Certified Institution shall make payment of that sum to the [1][State] Government before a date prescribed in that behalf.

(*2*) If any sum is not paid by a local authority under sub-section (*1*) before the prescribed date, the [1][State] Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the local authority, as its officer, treasurer, banker or otherwise to pay the sum from such moneys as he may have in his hands or may from time to time receive to the [1][State] Government and such person shall be bound to obey such order.

Appointment of Chief Inspector and Assistants.

15. (*1*) For carrying out the purposes of this Act, the [1][State] Government may appoint a Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors as it thinks advisable to assist the Chief Inspector ; and every person so appointed to assist the Chief Inspector shall have such of the powers and duties of the Chief Inspector as the [1][State] Government directs but shall act under the direction of the Chief Inspector.

(*2*) Every Receiving Centre and Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector or Inspector or Assistant Inspector.

Search in Receiving Centres and Certified Institutions.

16. The officer in charge of Receiving Centre or Superintendent of a Certified Institution may order that any person received in the Receiving Centre or Certified Institution [2][shall be searched, that he shall be cleansed], that his personal effects shall be inspected, and that any money or valuables found with or on the person shall be kept in the custody of such officer or Superintendent, and that any effects other than money or valuables so found shall be disposed of in the prescribed manner. Where an order of detention is passed by the court against any such person, the officer or Superintendent, as the case may be, may order that any money [3][or valuables found with or on the persons shall be disposed of in the prescribed manner].

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the original by Bom. 53 of 1947, s. 2 (*f*) (*a*).

[3] These words were substituted for the original, *ibid.*, s. 2 (*f*) (*b*).

Where the court passes an order other than an order of detention with regard to any such person his money and valuables shall be returned to him and if his clothing has been destroyed, he shall be provided with fresh clothing. The expenses of providing such clothing shall be borne by the [1][State] Government :

Provided that a female person shall be searched by a female only and with due regard to decency.

Management and discipline.

17. Persons remanded to or detained in Receiving Centres and Certified Institutions under this Act shall be subject to such rules of management and discipline, including the imposition of manual or other work and the awarding of punishment for breach of any such rule, as may from time to time be prescribed.

Disciplinary imprisonment.

18. (*1*) Without prejudice to any disciplinary action that may be taken under section 17, the Chief Inspector may report to the court the case of any person detained in a Certified Institution who habitually wilfully disobeys or neglects to comply with any rule referred to in section 17 and the court may thereupon if satisfied that the person has wilfully disobeyed or neglected to comply with any such rule convert any period of his detention in a Certified Institution not exceeding three months into a term of imprisonment extending to a like period.

(*2*) The sentence of imprisonment ordered under sub-section (*1*) shall be executed in the same manner as a sentence passed under section 6.

Transfer from one Receiving Centre or Certified Institution to another.

19. (*1*) Subject to the prescribed conditions the Chief Inspector may direct any person detained in a Receiving Centre or Certified Institution to be transferred therefrom to another Receiving Centre or Certified Institution :

Provided that the total period of detention of such person shall not be increased by such transfer.

(*2*) In directing such transfers the Chief Inspector shall have regard to the medical report and the directions, if any, made by the court under section 25.

Release on licence.

20. (*1*) Subject to the prescribed conditions the Chief Inspector may at any time grant permission to a person detained in a Certified Institution to absent himself for short periods or release him conditionally by granting him a licence.

(*2*) Any licence granted under sub-section (*1*) shall be in force until the expiry of the term for which the person was ordered to be detained in a Certified Institution unless sooner revoked.

(*3*) The period during which such person is absent from a Certified Institution during the continuance of a permission or licence granted to him under this section shall for the purpose of computing his term of detention in a Certified Institution be deemed to be part of his detention.

Revocation of licence.

21. (*1*) Subject to the prescribed conditions the Chief Inspector may at any time revoke a licence granted under section 20, and thereupon the released person shall be detained in a Certified Institution until the expiry of the term for which he had been ordered to be detained.

(*2*) For the purpose of this section the Chief Inspector may, if necessary, cause the released person to be arrested and sent to the nearest Receiving Centre together with a copy of the order of detention, and thereupon the provisions of sub-section (*1*) of section 24 shall as far as may be apply.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Unconditional release.

22. At any time after the expiration of three months from the commencement of the release on licence of any person under section 20, the Chief Inspector may if he is satisfied that there is a probability that such person will abstain from begging recommend to the [1][State] Government his unconditional release. The [1][State] Government may on such recommendation release such person unconditionally and thereupon the term for which such person had been ordered to be detained in a Certified Institution shall be deemed to have expired.

CHAPTER IV.

MISCELLANEOUS.

23. [*Externment from the State of beggars not domiciled therein.*] *Deleted by Bom. 21 of 1952, s. 4.*

Procedure on order of detention or sentence of imprisonment.

24. (*1*) Subject to the provisions of sub-section (*2*) when a person has been ordered to be detained in a Certified Institution under section 5, 6, 7, [2][or 9], the court which ordered the detention shall forthwith forward him to the nearest Receiving Centre with a copy of the order of detention. The person shall thereupon be handed over to the custody of the officer in charge of the Receiving Centre and shall be detained in the Receiving Centre until he is sent therefrom to a Certified Institution.

(*2*) When any such person has also been sentenced to imprisonment, the court passing the sentence of imprisonment shall forthwith forward a warrant to a jail in which he is to be confined and shall forward him to such jail with the warrant together with a copy of the order of detention. After the sentence of imprisonment is fully executed, the Officer executing it shall, if detention in a Certified Institution for any period remains to be undergone by such person, forward him forthwith together with the copy of the order of detention to the nearest Receiving Centre, and thereupon the provisions of sub-section (*1*) shall as far as may be apply.

(*3*) In computing the period for which a person is ordered to be detained in a Certified Institution there shall be included the period for which he is detained in a Receiving Centre under this section.

Medical examination and detention of lepers and lunatics.

25. (*1*) After a person is received in a Receiving Centre under section 24, the officer-in-charge of the Receiving Centre shall cause him to be examined, as soon as may be, by such Medical Officer, as the [1][State] Government by general or special order directs.

(*2*) The Medical Officer shall make his report to the officer-in-charge of the Receiving Centre stating *inter alia*—

(*a*) the age and sex of the person,

(*b*) whether the person is a leper suffering from contagious leprosy or not,

(*c*) from what, if any, communicable disease other than leprosy the person is suffering,

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] This word and figure were substituted for the figures and word "9 or 23" by Bom. 53 of 1947, s. 2 (*6*).

(*d*) whether the person is an idiot or of unsound mind, and

(*e*) what is the general state of health and bodily condition of the person and for which kind of work, if any, he is fit.

(*3*) Where the medical report states that the beggar is a contagious leper or a lunatic, the officer-in-charge of the Receiving Centre shall forthwith forward the report to the Court which passed the order of detention. The Court shall thereupon examine the Medical Officer as a witness and shall reduce the examination to writing. If after the examination and upon such further equiry, if any, as it thinks fit, the Court is of opinion that the beggar is a contagious leper or a lunatic it shall record a finding to that effect and shall direct that the detention already ordered shall be undergone by the beggar,—

III of 1898. (*i*) if a contagious leper, in a leper asylum appointed under section 3 of the Lepers Act, 1898, and which has been certified to be a Certified Institution under sub-section (*1*) of section 11 ;

IV of 1912. (*ii*) if a lunatic, in an asylum established or licensed under section 84 of the Indian Lunacy Act, 1912, and which has been certified to be a Certified Institution under sub-section (*1*) of section 11 ;

(*iii*) if neither a contagious leper nor a lunatic, in any other Certified Institution ;

III of 1898. IV of 1912. III of 1898. IV of 1912. (*iv*) notwithstanding anything contained in the Lepers Act, 1898, or the Indian Lunacy Act, 1912, if any leper asylum appointed under section 3 of the Lepers Act, 1898, or any asylum established or licensed under section 84 of the Indian Lunacy Act, 1912, is certified to be a Certified Institution under sub-section (*1*) of section 11, the Superintendent of such leper asylum or the person in charge of such lunatic asylum, as the case may be, shall also have authority to detain persons sent thereto in accordance with a direction of the court under this section.

Arrest of person escaping from Receiving Centre or Certified Institution.

26. Any person who leaves a Receiving Centre without the permission of the officer-in-charge thereof or who leaves a Certified Institution without the permission of the Superintendent in charge thereof or fails to return thereto after the expiry of the period of absence permitted under sub-section (*1*) of section 20 may be arrested by a police officer without a warrant [1][or by an officer of the Receiving Centre or Certified Institution authorized in this behalf by the [2][State] Government] and sent back to the Receiving Centre or Certified Institution, as the case may be.

Transfers between Certified Institution and Institution of like nature in different parts of India.

27. [3][(*1*)] The [2][State] Government may direct any person detained in a Certified Institution to be transferred therefrom to any Institution of a like nature in any other part of [4]* India [4]* * * in respect of which provision similar to that in the [5][State] of Bombay is made by the [2][State] Government of that part under any law in force therein :

Provided that no person shall be transferred under this section to any other [5][State] [4]* * * without the consent of the Government of that other [5][State] [4]* * *

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[1] These words were inserted by Bom. 53 of 1947, s. 2 (*7*).
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] Section 27 was renumbered as sub-section (*1*) of that section by Bom. 21 of 1952, s. 5.
[4] The words "British", "or in any Indian State", "or by the Government of that Indian State" and "or Indian State" were omitted by the Adaptation of Laws Order, 1950.
[5] This word was substituted for the word "Province", *ibid.*

[1][(2) The State Government may, in consultation with the Superintendent of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution or institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person.]

Power to take finger prints.

28. (*1*) Every person ordered to be detained in a Certified Institution under this Act shall at any time allow his finger prints to be taken by the Commissioner of Police or any officer empowered by him in this behalf in the [2][Greater Bombay] and by the District Magistrate or any Officer empowered by him in this behalf elsewhere.

(*2*) Whoever refuses to allow his finger prints to be taken under sub-section (*1*) shall on conviction be liable to have his period of detention in a Certified Institution not exceeding three months converted to a term of imprisonment extending to a like period.

(*3*) The sentence of imprisonment ordered under sub-section (*2*) shall be executed in the same manner as a sentence passed under section 6.

Seizure and disposal of animals exposed or exhibited for obtaining or extorting alms.

[3][**28A.** (*1*) Any police officer or other person effecting under sub-section (*1*) of section 4 the arrest of a person who was found begging may seize any animal the sore, wound, injury, deformity or disease of which was exposed or exhibited by such person with the object of obtaining or extorting alms.

(*2*) The police officer or other person effecting the arrest may remove such animal to any infirmary appointed under section 6B of the Prevention of Cruelty to Animals Act, 1890, for detention therein pending its production before a court. XI of 1890.

(*3*) The court before which the person found begging is brought may direct that the animal shall be treated and cared for in such infirmary until it is fit for discharge or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as has been authorised by the rules made under section 15 of the Prevention of Cruelty to Animals Act, 1890, certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed; and the court may also order that, after release from the infirmary, the animal may be confiscated. XI of 1890.

(*4*) An animal sent for care and treatment to an infirmary shall not, unless the court directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as has been authorised by rules made under section 15 of the Prevention of Cruelty to Animals Act, 1890.] XI of 1890.

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[1] This sub-section was inserted by Bom. 21 of 1952, s. 5.

[2] These words were substituted for the words "City of Bombay" by Bom. 53 of 1947, s. 2 (*8*).

[3] This section was inserted, *ibid*, s. 2 (*9*).

Offences to be cognizable and non-bailable

29. The offences under sections 6 [1][and 9] of this Act shall be cognizable and non-bailable.

Persons to be deemed public servants.

XLV of 1860.

30. All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

Bonds taken under Act V of 1898.

V of 1898.

31. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

Appeals.

V of 1898.

32. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act (including an order of detention under section 5), shall be deemed to be a sentence of imprisonment for the same period.

Rules.

33. (*1*) The [2][State] Government may by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner of authorizing a purpose under sub-clause (*e*) (*ii*) of clause (*i*) of section 2 ;

[3][(*aa*) the manner in which the enquiry as regards birth and domicile shall be made under sub-section (*4*) of section 5 ;]

[4][(*ab*) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (*1*) of section 6A ;]

(*b*) the manner of keeping persons arrested under sub-section (*3*) of section 4 or section 7 ;

(*c*) the manner of making summary inquiry under sub-section (*1*) of section 5 ;

(*d*) the conduct of business by Advisory Committees ;

(*e*) the manner of appointing a visiting committee under section 12 ;

(*f*) the date before which payment shall be made under sub-section (*1*) of section 14 ;

[5][(*g*) the manner in which the effects and the money and valuables referred to in section 16 shall be disposed of ;]

(*h*) the management and discipline of persons detained in a Receiving Centre or Certified Institution including the imposition of manual or other work and the awarding of punishment for breach of any rule made under this clause ;

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[1] This word and figure were substituted for the figures and word "9 and 23" by Bom. 21 of 1952, s. 6.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This clause was inserted by Bom. 53 of 1947, s. 2 (*10*) (*a*).

[4] Clause (*ab*) was inserted by Bom. 21 of 1952, s. 7.

[5] This clause was substituted for the original by Bom. 53 of 1947, s. 2 (*10*) (*b*).

(*i*) the conditions subject to which the Chief Inspector may direct transfers under section 19 ;

(*j*) the conditions subject to which a person may be released on licence under section 20 ;

(*k*) the conditions subject to which a licence may be revoked under section 21 ;

(*l*) the manner of medical examination of beggars ;

(*m*) any other matter which is required to be or may be prescribed.

Repeal.

34. (*1*) On the date on which this Act comes into force in the [1][Greater Bombay], in the City of Bombay Police Act, 1902,— Bom. IV of 1902.

(*i*) in sub-section (*2*) of section 27 for the figures " 121 " the following shall be substituted, namely :—

" 6, 9 or 23 of the Bombay Beggars Act, 1945 ", and Bom. XXIII of 1945.

(*ii*) section 121 shall be repealed.

(*2*) On the date on which this Act comes into force in any area outside the [1][Greater Bombay], sub-section (*2*) of section 61 of the Bombay District Police Act, 1890, shall be repealed in its application to the said area. Bom. IV of 1890.

Saving.

35. Nothing in this Act shall apply to vagrants within the meaning of the European Vagrancy Act, 1874. IX of 1874.

[1] These words were substituted for the words " City of Bombay " by Bom. 53 of 1947, s. 2 (*11*).

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